

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

BILLY JOE PAIGE,

Plaintiff,

v.

Case No. 2:06-cv-13
HON. ROBERT HOLMES BELL

UNKNOWN ENTERLINE, et al.,

Defendants.

OPINION AND ORDER APPROVING MAGISTRATE JUDGE'S
REPORT AND RECOMMENDATION

The Court has reviewed the Report and Recommendation filed by the United States Magistrate Judge in this action. The Report and Recommendation was duly served on the parties. The Court has received objections from the petitioner. In accordance with 28 U.S.C. § 636(b)(1), the Court has performed *de novo* consideration of those portions of the Report and Recommendation to which objection has been made. The Court now finds the objections to be without merit.

Plaintiff has failed to show that he was under imminent danger of serious physical injury at the time he filed his complaint. Plaintiff alleged that on occasion he did not receive meal trays. An occasional missed meal does not establish imminent danger of serious physical harm. Accordingly, plaintiff's *in forma pauperis* status is revoked. Plaintiff's action will be dismissed if plaintiff fails to pay the full filing fee within 30 days. Moreover, plaintiff is not entitled to injunctive relief.

THEREFORE, IT IS ORDERED that:

1. The Report and Recommendation of the Magistrate Judge is approved and adopted as the opinion of the court.
2. Defendants' motion to revoke plaintiff's *in forma pauperis* status (Docket #19) is GRANTED.
3. Plaintiff's motions for preliminary injunction and temporary restraining order (Docket ## 15, 28 and 29) are DENIED.
4. Plaintiff shall pay the civil action filing fee of \$250.00 within 30 days of the date of this order. **Failure of plaintiff to pay the civil action filing fee will result in the dismissal of this case.**

Dated: December 4, 2006

/s/ Robert Holmes Bell
ROBERT HOLMES BELL
CHIEF UNITED STATES DISTRICT JUDGE